

tion 36.104 of title 28, Code of Federal Regulations (or a successor regulation).

(Added Pub. L. 103-322, title IV, § 40221(a), Sept. 13, 1994, 108 Stat. 1931; amended Pub. L. 106-386, div. B, title I, § 1107(d), Oct. 28, 2000, 114 Stat. 1499; Pub. L. 109-162, title I, §§ 106(d), 116(b), Jan. 5, 2006, 119 Stat. 2982, 2988; Pub. L. 109-271, § 2(c), (i), Aug. 12, 2006, 120 Stat. 752; Pub. L. 115-334, title XII, § 12502(a)(4), Dec. 20, 2018, 132 Stat. 4983.)

Editorial Notes

AMENDMENTS

2018—Pars. (11) to (13). Pub. L. 115-334 added pars. (11) to (13).

2006—Par. (5). Pub. L. 109-162, § 106(d)(1), added par. (5) and struck out heading and text of former par. (5). Text read as follows: “The term ‘protection order’ includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.”

Par. (7)(A). Pub. L. 109-162, § 106(d)(2), which directed amendment of cls. (i) and (ii) by substituting “2261A—

“(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

“(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship”

for “2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser”, was executed only to cl. (i) to reflect the probable intent of Congress because the quoted language to be deleted does not appear in cl. (ii).

Par. (7)(A)(ii). Pub. L. 109-271, § 2(c), added cl. (ii) and struck out former cl. (ii) which read as follows: “section 2261A, a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; and”.

Par. (10). Pub. L. 109-271, § 2(i), substituted “. The existence of such a relationship is” for “and the existence of such a relationship” in introductory provisions.

Pub. L. 109-162, § 116(b), added par. (10).

2000—Pub. L. 106-386 reenacted section catchline without change and amended text generally. Prior to amendment, text defined “bodily injury”, “Indian country”, “protection order”, “spouse or intimate partner”, “State”, and “travel across State lines”.

CHAPTER 111—SHIPPING

Sec.	
2271.	Conspiracy to destroy vessels.
2272.	Destruction of vessel by owner.
2273.	Destruction of vessel by nonowner.
2274.	Destruction or misuse of vessel by person in charge.
2275.	Firing or tampering with vessel. ¹

¹ So in original. Does not conform to section catchline.

2276.	Breaking and entering vessel.
2277.	Explosives or dangerous weapons aboard vessels.
2278.	Explosives on vessels carrying steerage passengers.
2279.	Boarding vessels before arrival.
2280.	Violence against maritime navigation.
2280a.	Violence against maritime navigation and maritime transport involving weapons of mass destruction.
2281.	Violence against maritime fixed platforms.
2281a.	Additional offenses against maritime fixed platforms.
2282A.	Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce.
2282B.	Violence against aids to maritime navigation.
2283.	Transportation of explosive, chemical, biological, or radioactive or nuclear materials. ¹
2284.	Transportation of terrorists.
2285.	Operation of submersible vessel or semi-submersible vessel without nationality ²

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-23, title VIII, §§ 802(b), 804(b), June 2, 2015, 129 Stat. 307, 308, added items 2280a and 2281a.

2008—Pub. L. 110-407, title I, § 102(b), Oct. 13, 2008, 122 Stat. 4298, added item 2285.

2006—Pub. L. 109-177, title III, §§ 304(b)(2), 305(b), Mar. 9, 2006, 120 Stat. 235, 237, added items 2282B, 2283, and 2284.

Pub. L. 109-177, title III, § 304(a)(2), Mar. 9, 2006, 120 Stat. 235, which directed amendment of table of sections for this chapter by adding item 2282A after item 2282, was executed by adding item 2282A after item 2281 to reflect the probable intent of Congress, because there is no item 2282.

1994—Pub. L. 103-322, title VI, § 60019(b), Sept. 13, 1994, 108 Stat. 1979, added items 2280 and 2281.

1990—Pub. L. 101-647, title XXXV, § 3566, Nov. 29, 1990, 104 Stat. 4928, substituted “vessels” for “vessel” in item 2271.

§ 2271. Conspiracy to destroy vessels

Whoever, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafter underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; or

Whoever, within the United States, builds, or fits out any vessel to be cast away or destroyed, with like intent—

Shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 803; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 487 (Mar. 4, 1909, ch. 321, § 296, 35 Stat. 1146).

Mandatory punishment provision was rephrased in the alternative.

² So in original. Probably should be followed by a period.

Reference to a person who “aids in building or fitting out any vessel” was omitted as unnecessary in view of section 2 making all aiders guilty as principal.

Changes in phraseology were made.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in last par.

§ 2272. Destruction of vessel by owner

Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or in part, with intent to injure any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be imprisoned for life or for any term of years.

(June 25, 1948, ch. 645, 62 Stat. 803.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §491 (Mar. 4, 1909, ch. 321, §300, 35 Stat. 1147).

§ 2273. Destruction of vessel by nonowner

Whoever, not being an owner, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of the United States to which he belongs, or willfully attempts the destruction thereof, shall be imprisoned not more than ten years.

(June 25, 1948, ch. 645, 62 Stat. 804.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §492 (Mar. 4, 1909, ch. 321, §301, 35 Stat. 1147).

Words “with intent to destroy the same, sets fire to any such vessel, or otherwise” following “willfully” and preceding “attempts” were omitted as surplusage.

§ 2274. Destruction or misuse of vessel by person in charge

Whoever, being the owner, master or person in charge or command of any private vessel, foreign or domestic, or a member of the crew or other person, within the territorial waters of the United States, willfully causes or permits the destruction or injury of such vessel or knowingly permits said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or any offense in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States; or knowingly permits such vessels to be used in violation of the rights and obligations of the United States under the law of nations, shall be fined under this title or imprisoned not more than ten years, or both.

In case such vessels are so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and for-

feiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws.

(June 25, 1948, ch. 645, 62 Stat. 804; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 193 of title 50, U.S.C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title II, §3, 40 Stat. 220; Mar. 28, 1940, ch. 72, §3(b), 54 Stat. 79).

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in first par.

§ 2275. Firing or tampering with vessels

Whoever sets fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States, or to the cargo of the same, or tampers with the motive power of instrumentalities of navigation of such vessel, or places bombs or explosives in or upon such vessel, or does any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom and whoever attempts to do so shall be fined under this title or imprisoned not more than twenty years, or both.

(June 25, 1948, ch. 645, 62 Stat. 804; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §502 (June 15, 1917, ch. 30, title III, §1, 40 Stat. 221).

Words “as defined in section 501 of this title,” were omitted in view of section 9 of this title, defining vessel of the United States.

Last sentence of said section 502, defining “United States”, was incorporated in section 5 of this title.

Provision prohibiting conspiracy was deleted as adequately covered by the general conspiracy statute, section 371 of this title.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

§ 2276. Breaking and entering vessel

Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, breaks or enters any vessel with intent to commit any felony, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy rope, head fast, or

other fast, fixed to the anchor or moorings belonging to any vessel, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 804; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 490 (Mar. 4, 1909, ch. 321, §299, 35 Stat. 1147).

Mandatory punishment provision was rephrased in the alternative.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

§ 2277. Explosives or dangerous weapons aboard vessels

(a) Whoever brings, carries, or possesses any dangerous weapon, instrument, or device, or any dynamite, nitroglycerin, or other explosive article or compound on board of any vessel documented under the laws of the United States, or any vessel purchased, requisitioned, chartered, or taken over by the United States pursuant to the provisions of Act June 6, 1941, ch. 174, 55 Stat. 242, as amended, without previously obtaining the permission of the owner or the master of such vessel; or

Whoever brings, carries, or possesses any such weapon or explosive on board of any vessel in the possession and under the control of the United States or which has been seized and forfeited by the United States or upon which a guard has been placed by the United States pursuant to the provisions of section 191¹ of Title 50, without previously obtaining the permission of the captain of the port in which such vessel is located, shall be fined under this title or imprisoned not more than one year, or both.

(b) This section shall not apply to the personnel of the Armed Forces of the United States or to officers or employees of the United States or of a State or of a political subdivision thereof, while acting in the performance of their duties, who are authorized by law or by rules or regulations to own or possess any such weapon or explosive.

(June 25, 1948, ch. 645, 62 Stat. 804; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 109-304, §17(d)(6), Oct. 6, 2006, 120 Stat. 1707.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§503, 504 (Dec. 31, 1941, ch. 642, §§1, 2, 55 Stat. 876).

Section consolidates sections 503 and 504 of title 18, U.S.C., 1940 ed.

Words “This section” were substituted in subsection (b) for the words “The provisions of sections 503, 504 of this title”.

Minor changes were made in phraseology.

Editorial Notes

REFERENCES IN TEXT

Act June 6, 1941, ch. 174, 55 Stat. 242, as amended, referred to in subsec. (a), expired July 1, 1953.

¹ See References in Text note below.

Section 191 of Title 50, referred to in subsec. (a), was redesignated and transferred to section 70051 of Title 46, Shipping, by Pub. L. 115-282, title IV, §407(b)(1), (5), Dec. 4, 2018, 132 Stat. 4267.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-304 substituted “documented” for “registered, enrolled, or licensed”.

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000” in second par.

§ 2278. Explosives on vessels carrying steerage passengers

Whoever, being the master of a steamship or other vessel referred to in section 151 of Title 46, except as otherwise expressly provided by law, takes, carries, or has on board of any such vessel any nitroglycerin, dynamite, or any other explosive article or compound, or any vitriol or like acids, or gunpowder, except for the ship’s use, or any article or number of articles, whether as a cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 805; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 171 of title 46, U.S.C., 1940 ed., Shipping (Aug. 2, 1882, ch. 374, §8, 22 Stat. 189).

Words “except as otherwise expressly provided by law” were inserted to remove obvious inconsistency between sections 831-835 of this title, section 170 of title 46, U.S.C., 1940 ed., Shipping, and this section.

Words “shall be deemed guilty of a misdemeanor and” were omitted because designation of the offense as a misdemeanor is unnecessary in view of definitive section 1 of this title.

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in phraseology.

Editorial Notes

REFERENCES IN TEXT

Section 151 of Title 46, referred to in text, which was based on section 1 of act Aug. 2, 1882, ch. 374, 22 Stat. 186, as amended, was repealed by Pub. L. 98-89, Aug. 26, 1983, §4(b), 97 Stat. 599.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

§ 2279. Boarding vessels before arrival

Whoever, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, shall be fined under this title or imprisoned not more than six months, or both.

The master of such vessel may take any such person into custody, and deliver him up forthwith to any law enforcement officer, to be by him taken before any committing magistrate, to be dealt with according to law.

(June 25, 1948, ch. 645, 62 Stat. 805; Pub. L. 103-322, title XXXIII, §330016(1)(D), Sept. 13, 1994, 108 Stat. 2146.)

HISTORICAL AND REVISION NOTES

Based on section 708 of title 46, U.S.C., 1940 ed., Shipping (R.S. § 4606).

“Law enforcement officer” was substituted for “constable or police officer” and “committing magistrate” for “justice of the peace.” The phraseology used in the statute was archaic. It originated when the government had few law enforcement officers and magistrates of its own.

References to specific sections were made to read: “according to law” to achieve brevity.

Mandatory punishment provision was rephrased in the alternative.

The words “without permission of the master” were deleted to remove an inconsistency with the provisions of section 163 of title 46, U.S.C., 1940 ed., and customs regulations. Customs regulations, 1943, section 4.1c, prohibit any person “with or without consent of the master” from boarding vessel, with specific enumerated exceptions. Said section 163 prescribes a “penalty of not more than \$100 or imprisonment not to exceed six months, or both” for violating regulations. The revised section increases the fine from \$100 to \$200 for boarding the vessel “with the consent of the master.”

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$200” in first par.

§ 2280. Violence against maritime navigation

(a) OFFENSES.—

(1) IN GENERAL.—A person who unlawfully and intentionally—

(A) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

(B) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

(C) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

(D) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

(E) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

(F) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

(G) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (F); or

(H) attempts or conspires to do any act prohibited under subparagraphs (A) through (G),

shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

(2) THREAT TO NAVIGATION.—A person who threatens to do any act prohibited under paragraph (1)(B), (C) or (E), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title, imprisoned not more than 5 years, or both.

(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a)—

(1) in the case of a covered ship, if—

(A) such activity is committed—

(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

(ii) in the United States, including the territorial seas; or

(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

(C) the offender is later found in the United States after such activity is committed;

(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

(c) BAR TO PROSECUTION.—It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term “labor dispute” has the meaning set forth in section 13(c) of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)).

(d) DEFINITIONS.—As used in this section, section 2280a, section 2281, and section 2281a, the term—

(1) “applicable treaty” means—

(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

(2) “armed conflict” does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

(3) “biological weapon” means—

(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

(4) “chemical weapon” means, together or separately—

(A) toxic chemicals and their precursors, except where intended for—

(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

(iv) law enforcement including domestic riot control purposes,

as long as the types and quantities are consistent with such purposes;

(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B);

(5) “covered ship” means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country;

(6) “explosive material” has the meaning given the term in section 841(c) and includes explosive as defined in section 844(j) of this title;

(7) “infrastructure facility” has the meaning given the term in section 2332f(e)(5) of this title;

(8) “international organization” has the meaning given the term in section 831(f)(3)¹ of this title;

(9) “military forces of a state” means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

(10) “national of the United States” has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(11) “Non-Proliferation Treaty” means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968;

(12) “Non-Proliferation Treaty State Party” means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty;

(13) “Nuclear Weapon State Party to the Non-Proliferation Treaty” means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty;

(14) “place of public use” has the meaning given the term in section 2332f(e)(6) of this title;

(15) “precursor” has the meaning given the term in section 229F(6)(A) of this title;

(16) “public transport system” has the meaning given the term in section 2332f(e)(7) of this title;

(17) “serious injury or damage” means—

(A) serious bodily injury,

(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

(C) substantial damage to the environment, including air, soil, water, fauna, or flora;

(18) “ship” means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

(19) “source material” has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

¹ See References in Text note below.

(20) “special fissionable material” has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

(21) “territorial sea of the United States” means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law;

(22) “toxic chemical” has the meaning given the term in section 229F(8)(A) of this title;

(23) “transport” means to initiate, arrange or exercise effective control, including decisionmaking authority, over the movement of a person or item; and

(24) “United States”, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.

(e) **EXCEPTIONS.**—This section shall not apply to—

(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

(2) activities undertaken by military forces of a state in the exercise of their official duties.

(f) **DELIVERY OF SUSPECTED OFFENDER.**—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

(g)(1) **CIVIL FORFEITURE.**—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

(2) **APPLICABLE PROCEDURES.**—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary

of Homeland Security, the Attorney General, or the Secretary of Defense.

(Added Pub. L. 103-322, title VI, §60019(a), Sept. 13, 1994, 108 Stat. 1975; amended Pub. L. 104-132, title VII, §§722, 723(a)(1), Apr. 24, 1996, 110 Stat. 1299, 1300; Pub. L. 114-23, title VIII, §801, June 2, 2015, 129 Stat. 300.)

Editorial Notes

REFERENCES IN TEXT

Section 831(f)(3) of this title, referred to in subsec. (d)(8), was redesignated section 831(g)(3) by Pub. L. 114-23, title VIII, §812(d), June 2, 2015, 129 Stat. 312.

AMENDMENTS

2015—Subsec. (b)(1)(A)(i). Pub. L. 114-23, §801(1)(A), substituted “a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)” for “a ship flying the flag of the United States”.

Subsec. (b)(1)(A)(ii). Pub. L. 114-23, §801(1)(B), inserted “, including the territorial seas” before semicolon.

Subsec. (b)(1)(A)(iii). Pub. L. 114-23, §801(1)(C), inserted “, by a United States corporation or legal entity,” after “by a national of the United States”.

Subsec. (c). Pub. L. 114-23, §801(2), substituted “section 13(c)” for “section 2(c)”.

Subsecs. (d) to (g). Pub. L. 114-23, §801(3)–(5), added subsecs. (d) to (g) and struck out former subsecs. (d) and (e) which related to delivery of suspected offender and definitions, respectively.

1996—Subsec. (a)(1)(H). Pub. L. 104-132, §723(a)(1), inserted “or conspires” after “attempts”.

Subsec. (b)(1)(A)(ii). Pub. L. 104-132, §722(1), struck out “and the activity is not prohibited as a crime by the State in which the activity takes place” after “the United States”.

Subsec. (b)(1)(A)(iii). Pub. L. 104-132, §722(2), struck out “the activity takes place on a ship flying the flag of a foreign country or outside the United States,” before “by a national of the United States”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 103-322, title VI, §60019(c), Sept. 13, 1994, 108 Stat. 1979, provided that: “This section [enacting this section and section 2281 of this title] and the amendments made by this section shall take effect on the later of—

“(1) the date of the enactment of this Act [Sept. 13, 1994]; or

“(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

“(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.”

[Convention and Protocol came into force Mar. 1, 1992, and entered into force with respect to the United States Mar. 6, 1995, Treaty Doc. 101-1.]

Executive Documents

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction

(a) OFFENSES.—

(1) IN GENERAL.—Subject to the exceptions in subsection (c), a person who unlawfully and intentionally—

(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

(B) transports on board a ship—

(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of the Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nu-

clear explosive device, with the intention that it will be used for such purpose, except where—

(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraph (A), (B), (D), or (E) of this section¹ or an offense set forth in an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the subsection (a)(2) offense pertains to subparagraph (A); or

(E) attempts to do any act prohibited under subparagraph (A), (B) or (D), or conspires to do any act prohibited by subparagraphs (A) through (E) or subsection (a)(2),

shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

(2) THREATS.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

¹ So in original. Probably should be “paragraph”.

(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a)—

(1) in the case of a covered ship, if—

(A) such activity is committed—

(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

(ii) in the United States, including the territorial seas; or

(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

(C) the offender is later found in the United States after such activity is committed;

(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

(c) EXCEPTIONS.—This section shall not apply to—

(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

(2) activities undertaken by military forces of a state in the exercise of their official duties.

(d)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.

(Added Pub. L. 114-23, title VIII, § 802(a), June 2, 2015, 129 Stat. 304.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 2280(d) of this title.

§ 2281. Violence against maritime fixed platforms

(a) OFFENSES.—

(1) IN GENERAL.—A person who unlawfully and intentionally—

(A) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

(B) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

(C) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

(D) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

(E) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (D); or

(F) attempts or conspires to do anything prohibited under subparagraphs (A) through (E),

shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

(2) THREAT TO SAFETY.—A person who threatens to do anything prohibited under paragraph (1)(B) or (C), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title, imprisoned not more than 5 years, or both.

(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

(1) such activity is committed against or on board a fixed platform—

(A) that is located on the continental shelf of the United States;

(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

(C) in an attempt to compel the United States to do or abstain from doing any act;

(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

(c) BAR TO PROSECUTION.—It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term “labor dispute” has the meaning set forth in section 13(c) of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)), and the term “State” means a State of the

United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(d) DEFINITIONS.—In this section—

“continental shelf” means the sea-bed and subsoil of the submarine areas that extend beyond a country’s territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea.

“fixed platform” means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

(e) EXCEPTIONS.—This section does not apply to—

(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

(2) activities undertaken by military forces of a state in the exercise of their official duties.

(Added Pub. L. 103-322, title VI, §60019(a), Sept. 13, 1994, 108 Stat. 1977; amended Pub. L. 104-132, title VII, §723(a)(1), Apr. 24, 1996, 110 Stat. 1300; Pub. L. 104-294, title VI, §607(p), Oct. 11, 1996, 110 Stat. 3513; Pub. L. 114-23, title VIII, §803, June 2, 2015, 129 Stat. 307.)

Editorial Notes

AMENDMENTS

2015—Subsec. (c). Pub. L. 114-23, §803(1), substituted “section 13(c)” for “section 2(c)”.

Subsec. (d). Pub. L. 114-23, §803(2), struck out definitions of “national of the United States”, “territorial sea of the United States”, and “United States”.

Subsec. (e). Pub. L. 114-23, §803(3), added subsec. (e). 1996—Subsec. (a)(1)(F). Pub. L. 104-132 inserted “or conspires” after “attempts”.

Subsec. (c). Pub. L. 104-294 inserted before period at end “, and the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Mar. 6, 1995, see section 60019(c)(1), (2)(B) of Pub. L. 103-322, set out as a note under section 2280 of this title.

DEFINITIONS

For definitions of terms used in this section, see section 2280(d) of this title.

Executive Documents

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 2281a. Additional offenses against maritime fixed platforms

(a) OFFENSES.—

(1) IN GENERAL.—A person who unlawfully and intentionally—

(A) when the purpose of the act, by its nature or context, is to intimidate a popu-

lation, or to compel a government or an international organization to do or to abstain from doing any act—

(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

(C) attempts or conspires to do anything prohibited under subparagraph (A) or (B),

shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

(2) THREAT TO SAFETY.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

(1) such activity is committed against or on board a fixed platform—

(A) that is located on the continental shelf of the United States;

(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

(C) in an attempt to compel the United States to do or abstain from doing any act;

(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

(c) EXCEPTIONS.—This section does not apply to—

(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

(2) activities undertaken by military forces of a state in the exercise of their official duties.

(d) DEFINITIONS.—In this section—

(1) “continental shelf” means the sea-bed and subsoil of the submarine areas that extend beyond a country’s territorial sea to the limits provided by customary international law as

reflected in Article 76 of the 1982 Convention on the Law of the Sea; and

(2) “fixed platform” means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

(Added Pub. L. 114-23, title VIII, §804(a), June 2, 2015, 129 Stat. 307.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 2280(d) of this title.

§ 2282A.¹ Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce

(a) A person who knowingly places, or causes to be placed, in navigable waters of the United States, by any means, a device or dangerous substance which is likely to destroy or cause damage to a vessel or its cargo, cause interference with the safe navigation of vessels, or interference with maritime commerce (such as by damaging or destroying marine terminals, facilities, or any other marine structure or entity used in maritime commerce) with the intent of causing such destruction or damage, interference with the safe navigation of vessels, or interference with maritime commerce shall be fined under this title or imprisoned for any term of years, or for life; or both.

(b) A person who causes the death of any person by engaging in conduct prohibited under subsection (a) may be punished by death.

(c) Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.

(d) In this section:

(1) The term “dangerous substance” means any solid, liquid, or gaseous material that has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.

(2) The term “device” means any object that, because of its physical, mechanical, structural, or chemical properties, has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.

(Added Pub. L. 109-177, title III, §304(a)(1), Mar. 9, 2006, 120 Stat. 234.)

§ 2282B. Violence against aids to maritime navigation

Whoever intentionally destroys, seriously damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Great Lakes St. Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81¹ of title 14, United States Code, or lawfully maintained under au-

thority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers or is likely to endanger the safe navigation of a ship, shall be fined under this title or imprisoned for not more than 20 years, or both.

(Added Pub. L. 109-177, title III, §304(b)(1), Mar. 9, 2006, 120 Stat. 235; Pub. L. 116-260, div. AA, title V, §512(c)(2), Dec. 27, 2020, 134 Stat. 2756.)

Editorial Notes

REFERENCES IN TEXT

Section 81 of title 14, referred to in text, was redesignated section 541 of title 14 by Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200, and references to section 81 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

AMENDMENTS

2020—Pub. L. 116-260 substituted “Great Lakes St. Lawrence Seaway Development Corporation” for “Saint Lawrence Seaway Development Corporation”.

§ 2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials

(a) IN GENERAL.—Whoever knowingly transports aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing that any such item is intended to be used to commit an offense listed under section 2332b(g)(5)(B), shall be fined under this title or imprisoned for any term of years or for life, or both.

(b) CAUSING DEATH.—Any person who causes the death of a person by engaging in conduct prohibited by subsection (a) may be punished by death.

(c) DEFINITIONS.—In this section:

(1) BIOLOGICAL AGENT.—The term “biological agent” means any biological agent, toxin, or vector (as those terms are defined in section 178).

(2) BY-PRODUCT MATERIAL.—The term “by-product material” has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

(3) CHEMICAL WEAPON.—The term “chemical weapon” has the meaning given that term in section 229F(1).

(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term “explosive or incendiary device” has the meaning given the term in section 232(5) and includes explosive materials, as that term is defined in section 841(c) and explosive as defined in section 844(j).

(5) NUCLEAR MATERIAL.—The term “nuclear material” has the meaning given that term in section 831(f)(1).¹

(6) RADIOACTIVE MATERIAL.—The term “radioactive material” means—

(A) source material and special nuclear material, but does not include natural or depleted uranium;

¹ So in original. No section 2282 has been enacted.

¹ See References in Text note below.

¹ See References in Text note below.

- (B) nuclear by-product material;
- (C) material made radioactive by bombardment in an accelerator; or
- (D) all refined isotopes of radium.

(8)² **SOURCE MATERIAL.**—The term “source material” has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(9) **SPECIAL NUCLEAR MATERIAL.**—The term “special nuclear material” has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

(Added Pub. L. 109-177, title III, §305(a), Mar. 9, 2006, 120 Stat. 236.)

Editorial Notes

REFERENCES IN TEXT

Section 831(f)(1), referred to in subsec. (c)(5), was redesignated section 831(g)(1) by Pub. L. 114-23, title VIII, §812(d), June 2, 2015, 129 Stat. 312.

§ 2284. Transportation of terrorists

(a) **IN GENERAL.**—Whoever knowingly and intentionally transports any terrorist aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality, knowing that the transported person is a terrorist, shall be fined under this title or imprisoned for any term of years or for life, or both.

(b) **DEFINED TERM.**—In this section, the term “terrorist” means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).

(Added Pub. L. 109-177, title III, §305(a), Mar. 9, 2006, 120 Stat. 237.)

§ 2285. Operation of submersible vessel or semi-submersible vessel without nationality

(a) **OFFENSE.**—Whoever knowingly operates, or attempts or conspires to operate, by any means, or embarks in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country, with the intent to evade detection, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) **EVIDENCE OF INTENT TO EVADE DETECTION.**—For purposes of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) of title 46 may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

(c) **EXTRATERRITORIAL JURISDICTION.**—There is extraterritorial Federal jurisdiction over an offense under this section, including an attempt or conspiracy to commit such an offense.

(d) **CLAIM OF NATIONALITY OR REGISTRY.**—A claim of nationality or registry under this section includes only—

(1) possession on board the vessel and production of documents evidencing the vessel’s nationality as provided in article 5 of the 1958 Convention on the High Seas;

(2) flying its nation’s ensign or flag; or

(3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

(e) **AFFIRMATIVE DEFENSES.**—

(1) **IN GENERAL.**—It is an affirmative defense to a prosecution for a violation of subsection (a), which the defendant has the burden to prove by a preponderance of the evidence, that the submersible vessel or semi-submersible vessel involved was, at the time of the offense—

(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

(B) classed by and designed in accordance with the rules of a classification society;

(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

(2) **PRODUCTION OF DOCUMENTS.**—The affirmative defenses provided by this subsection are proved conclusively by the production of—

(A) government documents evidencing the vessel’s nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

(B) a certificate of classification issued by the vessel’s classification society upon completion of relevant classification surveys and valid at the time of the offense; or

(C) government documents evidencing licensure, regulation, or registration for commerce, research, or exploration.

(f) **FEDERAL ACTIVITIES EXCEPTED.**—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

(g) **APPLICABILITY OF OTHER PROVISIONS.**—Sections 70504 and 70505 of title 46 apply to offenses under this section in the same manner as they apply to offenses under section 70503 of such title.

(h) **DEFINITIONS.**—In this section, the terms “submersible vessel”, “semi-submersible vessel”, “vessel of the United States”, and “vessel without nationality” have the meaning given those terms in section 70502 of title 46.

(Added Pub. L. 110-407, title I, §102(a), Oct. 13, 2008, 122 Stat. 4296.)

Statutory Notes and Related Subsidiaries

FINDINGS AND DECLARATIONS

Pub. L. 110-407, title I, §101, Oct. 13, 2008, 122 Stat. 4296, provided that: “Congress finds and declares that operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an

² So in original. No par. (7) has been enacted.

international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.”

CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES

Sec.	
2290.	Jurisdiction and scope.
2291.	Destruction of vessel or maritime facility.
2292.	Imparting or conveying false information.
2293.	Bar to prosecution. ¹

§ 2290. Jurisdiction and scope

(a) JURISDICTION.—There is jurisdiction, including extraterritorial jurisdiction, over an offense under this chapter if the prohibited activity takes place—

(1) within the United States and within waters subject to the jurisdiction of the United States; or

(2) outside United States and—

(A) an offender or a victim is a national of the United States (as that term is defined under section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));¹

(B) the activity involves a vessel in which a national of the United States was on board; or

(C) the activity involves a vessel of the United States (as that term is defined under section 2² of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903)).¹

(b) SCOPE.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

(Added Pub. L. 109-177, title III, §306(a), Mar. 9, 2006, 120 Stat. 237.)

Editorial Notes

REFERENCES IN TEXT

Section 2 of the Maritime Drug Law Enforcement Act, referred to in subsec. (a)(2)(C), probably means section 3 of the Maritime Drug Law Enforcement Act, Pub. L. 96-350, which was classified to section 1903 of former Title 46, Appendix, Shipping, and was repealed and restated in sections 70502 to 70506 of Title 46, Shipping, by Pub. L. 109-304, §§10(2), 19, Oct. 6, 2006, 120 Stat. 1683, 1710. Section 70502(b) of Title 46 defines “vessel of the United States”.

§ 2291. Destruction of vessel or maritime facility

(a) OFFENSE.—Whoever knowingly—

(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), destructive substance, as defined in section 31(a)(3), or an explosive, as defined in section 844(j) in, upon, or near, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any

part or other materials used or intended to be used in connection with the operation of a vessel;

(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment;

(4) interferes by force or violence with the operation of any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, if such action is likely to endanger the safety of any vessel in navigation;

(5) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

(6) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

(7) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365(h)(3), in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

(8) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

(9) attempts or conspires to do anything prohibited under paragraphs (1) through (8),

shall be fined under this title or imprisoned not more than 20 years, or both.

(b) LIMITATION.—Subsection (a) shall not apply to any person that is engaging in otherwise lawful activity, such as normal repair and salvage activities, and the transportation of hazardous materials regulated and allowed to be transported under chapter 51 of title 49.

(c) PENALTY.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)))¹ or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23))),¹ shall be fined under this title, imprisoned for a term up to life, or both.

(d) PENALTY WHEN DEATH RESULTS.—Whoever is convicted of any crime prohibited by subsection (a) and intended to cause death by the

¹Editorially supplied. Section 2293 added by Pub. L. 109-177 without corresponding amendment of chapter analysis.

¹So in original. There probably should be an additional closing parenthesis.

²See References in Text note below.

¹So in original. There probably should be an additional closing parenthesis.